

**TOWN OF DAVIE
REGULAR MEETING
JULY 3, 2002**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Clark (departed at 9:43 p.m.), Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING (7:00 p.m. - 8:11 p.m.)

Mayor Venis advised the public of the rules for the Open Public Meeting.

Joe Fadden, 3040 SW 52 Way, spoke of his objections to the rate increases by Ferncrest Utilities. He stated that residents in his community would like the Town to supply water to Everglades Mobile Home Park. Mayor Venis indicated that he received a copy of Ferncrest Utilities' corporate return, which he was reviewing. He stated that he wanted the Public Service Commission to investigate on behalf of the Town and the residents.

Vice-Mayor Clark spoke of the community meeting and discussions she had with Mr. Willi regarding this issue. She indicated that Mayor Venis and Mr. Willi were working on this matter. Mayor Venis asked that an update of this new utility study be added to the next meeting's agenda.

Mr. Willi indicated that two studies needed to be conducted - one would examine the existing study and the other would be an acquisition study. The latter would cost approximately \$110,000. Council asked that a resolution be drafted for the July 10, 2002 meeting, opposing the rate increases at Ferncrest Utilities.

Yvonne Siegers, 3216 SW 50 Lane, asked for guidance from Council so that the affected residents could take steps to support the efforts in opposition of the rate increases.

Mayor Venis invited Special Projects Director Bonnie Stafiej to the podium to speak about the Soul Rodeo. Ms. Stafiej introduced the promoters of the Soul Rodeo, who addressed Council. Mr. Graham thanked Council for its support of this event. He stated that feedback from the first rodeo was excellent and the community indicated that they wanted this event to be scheduled again. Promoter Michelle presented Ms. Stafiej and the Town with a plaque. She stated that the Soul Rodeo wanted to return to the Town next year. Mr. Graham asked Council for financial support to arrange the next Soul Rodeo in January 2003. Councilmember Truex asked that an exact amount be determined. Council asked that this item be addressed on the next agenda.

Vicki Nash, 10491 North Lake Vista Circle, spoke about the fence issue in her community. She stated this was now considered an "open air" issue. She indicated that the residents were going to attempt a rezoning to suburban rather than "open air." Ms. Nash stated that a meeting was scheduled for July 9th with the president of the homeowners association, the manager's association, Development Services Director Mark Kutney, Planning and Zoning Manager

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Fernando Leiva, the attorney, and herself. She hoped that a plan would be presented to Council at the July 10th meeting.

Mr. Kutney advised that Council's direction was to have staff review each one of these matters on a case-by-case basis and come up with a solution. He indicated that he would be meeting with the homeowners association for Long Lake Estates on July 9th.

Councilmember Starkey indicated her desire to attend the meeting. She stated that the ordinance indicated that "lakefront properties in estate zoning would be allowed to fence to water's edge provided they had permission from the homeowners associations." Councilmember Starkey questioned why the Town was not approving all applications where homeowners associations were permitting fencing to water's edge. Mr. Kutney stated that Long Lake Estates had a ten-foot buffer strip that ran across the property parallel to the lake. He stated that fencing over the buffer strip was fencing over open space. Mr. Kutney clarified that the ordinance adopted by Council referred to property that was fully owned by the property owner. He stated that it was indicated at the time the ordinance was presented that homeowners could not fence over the buffer strip. Councilmember Starkey felt the conclusion of the discussion was that the open space buffer strip was for aesthetic purposes only. She also stated that the property owners paid taxes on this land, had to maintain it, and according to the homeowner's association guidelines, no one was allowed to use the property in question as it was private property. Councilmember Starkey felt that these residents were assured by the Town that they could fence to water's edge. Mr. Kiar agreed with Councilmember Starkey's interpretation. He stated that his office did draw a document that indicated that the homeowners association could grant approval of such a request.

Councilmember Truex indicated that the suburban designation was for tracts larger than E-zoning. He felt it was more appropriate for staff to present the options to Council than to have the meeting on July 9th, which would further delay action.

Mayor Venis asked if during the discussion regarding this ordinance last year, was there discussion regarding the open space and requiring residents to have gates on the fences so that access was available from yard to yard. Mr. Kutney stated that staff had suggested to Council that the open space be abandoned, but Council had indicated that as much open space as possible should be preserved and the fencing issue should be addressed on a case-by-case basis.

Mr. Kiar indicated that the Code clearly stated that a fence could be installed in the open space if a gate was installed that could be opened to allow access to open space. Councilmember Starkey indicated that the homeowners association's documents stated that the area in question was not common land. Mr. Willi clarified that the Town would not have approved the open space if it was not available for public use.

Mayor Venis felt the Town could allow fences if the applicants signed a "hold harmless" letter until the Town revised the ordinance. Legal Counsel Tom Connick's interpretation of the Code was that fences to the lake would be allowed if the applicant came to the Town and applied for a permit. Mr. Kutney recommended that this be done for the development under study, rather than as a blanket amendment.

Ms. Nash indicated that the homeowner's documents stated that homeowners' property was private property and there was no access for neighbors. She offered to do whatever it took in order to install the gates, including the addition of unlocked gates. Mr. Kutney stated that

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there was a possibility that the homeowners association documents needed further revision to insure resolution to this issue.

Richard Krishner, 10460 South Lake Vista Circle, clarified that the homeowner's documents permitted ingress and egress on all open space areas only from open space access areas. He stated that a pedestrian could enter the lake area from the park and walk around the lake by passing through private gates. Mr. Krishner also clarified that the open space areas in question were deeded to the property owners and premiums were paid for this property. He also indicated that the equestrian trail on the south side of Long Lake Estates was not accessible; therefore, it was not open space.

Councilmember Starkey questioned why the equestrian trail could not be accessed by the residents of this community. Mr. Krishner explained that the equestrian trail was not part of the development.

Lauren Bolton-Munack, 10370 South Lake Vista Circle, felt that the residents who lived along the equestrian trail should be allowed to "border down" on the east and west sides of their properties to the fence line of the equestrian trail. She felt that fencing with shrubbery would maintain the aesthetic characteristics the Town intended and she felt the Town should allow this. Ms. Bolton-Munack reiterated that there was no public access to this 30-foot buffer and asked if this could be addressed at a future meeting. Council agreed to address this at a future meeting.

Rachel Goldberg, 3061 West Lake Vista Circle, stated that she had fenced perpendicular to the canal and she wanted her fence to go down to the canal.

Barbara Pascal, 10311 North Lake Vista Circle, stated she was having the same problem and since she was having a pool built, she would like this issue resolved.

Rick Justa, 10312 North Lake Vista Circle, felt it was important to note that the property owners were paying taxes on the areas in question and were liable if someone was injured, yet the Town was restricting them from fencing these areas. He felt that the Town did not have the authority to stop them from fencing the property that they owned.

Chris Hud, 10282 North Lake Vista Circle, indicated that the Town had passed the ordinance, the homeowners association had approved it, and she had hired a contractor, however, the Town would not issue her a permit. She advised that no one from the Town would return her telephone and e-mail inquiries.

Arlene Barlow, 3002 East Lake Vista Circle, wanted to make sure residents along Nob Hill Road were also included in this deliberation.

Joy Yoder presented Mayor Venis with a gift for his birthday.

Mayor Venis advised that item 8.6 was withdrawn by the petitioner and item 8.7 needed to be tabled until August 7, 2002.

Councilmember Paul made a motion, seconded by Councilmember Truex, to table. In a voice vote, all voted in favor.

4. MAYOR/COUNCILMEMBER'S COMMENTS

Comments were provided later in the meeting.

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5. **TOWN ADMINISTRATOR'S COMMENTS**

Mr. Willi provided no comments.

6. **TOWN ATTORNEY'S COMMENTS**

Comments were provided later in the meeting.

7. **CONSENT AGENDA** (8:11 p.m. - 8:54 p.m.)

Minutes

7.1. May 6, 2002 - Workshop Meeting (tabled from June 19, 2002)

7.2. May 7, 2002 - Workshop Meeting (tabled from June 19, 2002)

7.3. May 15, 2002 - Regular Meeting

Resolutions

7.4. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-150 AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CITYSCAPE
SITING & MANAGEMENT, INC. FOR TELECOMMUNICATIONS
CONSULTING SERVICES. (\$59,355) (tabled from June 19, 2002)

7.5. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING
R-2002-151 THE BIDS FOR TRAFFIC CALMING DEVICES. (United Underground
Contractors, Inc. and BLS General Contractors)

7.6. **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-152 AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #1 WITH
EDFM CORPORATION FOR INCREASING THE ELECTRICAL SERVICE AND
ADDING HANDRAILS AT THE POOL STEPS. (\$6,195)

7.7. **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-153 APPROVING A SUBDIVISION PLAT TITLED, "TUSCANY AT DAVIE PLAT",
AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE
SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE
TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 2-
1-02, 4450 Hiatus Road) Planning and Zoning Board recommended approval
subject to the planning report

7.8. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2002-154 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "PEREZ
ESTATES" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 5-3-02, 10830
SW 23 Street)

7.9. **PLAT REVISION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,

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R-2002-155 AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "POINT WEST CENTER NORTH" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 5-6-02, 3550 Weston Road)

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- 7.10. **CONTRACT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2002-156 **AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PUBLIC FINANCIAL MANAGEMENT, INC. FOR FINANCIAL ADVISORY SERVICES.**

Site Plan

- 7.11. SP 4-1-02, New Building for Mainguy Landscape, 1855 Flamingo Road (AG) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to staff's recommendation regarding lighting; that the dumpster be relocated within the southwest corner of the paved area of the site; and a footnote for Council's attention - the Committee feels that it is a commercial building located on agricultural zoned land*

Councilmember Paul requested that items 7.7, 7.8, 7.9, and 7.11 be removed from the Consent Agenda. Councilmember Truex requested that item 7.4 be removed. Councilmember Starkey requested that item 7.3 be removed.

Councilmember Truex made a motion, seconded by Councilmember Paul, to approve the Consent Agenda minus items 7.3, 7.4, 7.7, 7.8, 7.9, and 7.11. In a voice vote, all voted in favor. (Motion carried 5-0)

7.4 Councilmember Truex referred to the addendum and inquired if the cost for this project was an estimate or a final price. Mr. Kutney explained that it was a final cost, but staff was doing some of the work on this project, which would result in a decrease of the final cost.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.3 Councilmember Starkey expressed frustration with Mr. Kutney over the cost recovery ordinance and indicated that she felt that delays had caused the Town to lose revenues. She also felt that Mr. Kutney had misled Council and the public. Councilmember Starkey stated that Mr. Kutney had accused Council of lying and she felt this was insubordination. She asked that Mr. Kutney apologize to Mr. Kiar and Mr. Connick. Councilmember Starkey added that Mr. Willi was responsible for the delays with this ordinance and that staff had selfish motives. She indicated that Council's reputation was challenged at the May 15, 2002 meeting.

Mr. Kutney clarified his interpretation of Council's direction and indicated that staff had not misled Council. He stated that staff had repeatedly reviewed the tapes from the meeting in question and he had followed Council's direction, which included working with Councilmember Starkey on this ordinance. Mr. Kutney stated that he would not apologize because there was nothing to apologize for and added that staff would corroborate his statements. He clarified that the only fees that would have been collected were processing fees and during the course of an application, if staff had expended additional time, it would have cost the Town money. Mr. Kutney stated that the draft ordinance that was being presented to Council at the next meeting would allow the Town to recoup those costs.

Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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7.7 Councilmember Paul indicated that the name of the project was Black Hawk Ranches and she asked that the name change be reflected in the application. Bill Laystrom, representing the petitioner, advised that the proper name of the project would be indicated. Councilmember Paul questioned who recommended the wall. Mr. Laystrom indicated that staff had recommended the wall during the approval process; however, the applicant was willing to remove the wall. Mr. Leiva indicated that this issue would be addressed at the plat stage.

Mayor Venis asked if staff would have a problem removing the wall from this project at this time. Mr. Leiva indicated that this would not be a problem for staff.

Councilmember Paul made a motion, seconded by Councilmember Truex, to approve subject to taking off the reference to the wall maintenance easement and in the future, not addressing a wall easement here. In a voice vote, all voted in favor. (Motion carried 5-0)

7.8 Gus Aguirre, representing the petitioner, explained the nature of the request.

Councilmember Paul asked why this was being requested when this original plat was not recorded. Mr. Kutney explained that it would still have to be recorded. Councilmember Paul questioned why open space was being eliminated and what was going to be put in its place. Mr. Aguirre clarified that the amenities mentioned in the application included landscaping. Councilmember Truex clarified that the lots were already over one acre.

Councilmember Paul asked what percentage of the lot would still be open space if this request was approved. Mr. Aguirre clarified that the number of residences was not going to be increased, nor would the sizes of the house.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex to approve. In a voice vote, all voted in favor with Councilmembers Paul and Starkey dissenting. (Motion carried 3-2)

7.9 Dina Tonney, representing the petitioner, explained the nature of the request.

Councilmember Paul asked if the increased size of the retail space would impede the power lines in the area. Ms. Tonney responded negatively. Councilmember Paul asked what the retail use would be. Ms. Tonney stated that the nature of the retail use was not yet determined.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

7.11 Councilmember Paul expressed concern with comments made by the Site Plan Committee and asked that Committee member Julie Aiken provide a clarification.

Julie Aiken, 3801 Flamingo Road, indicated that the Committee felt this was not an agricultural use, but rather a commercial use in a residential area. She asked that Council table this item until it could thoroughly be investigated. Mr. Kutney felt that staff might have acted hastily and added that it would be prudent for staff to meet with the applicant and determine if this was truly an appropriate use for this site. Mr. Laystrom, representing the petitioner, explained the merits of this use at this location. He indicated that the applicant would comply with all building code requirements.

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Vice-Mayor Clark asked if the petitioner had a current location for this business. Rob Mainguy, the petitioner, indicated that his existing business was located in the City of Sunrise. He stated that the lease on this property expired on August 31, 2002, and the property was "severely" limiting for his business.

Councilmember Paul asked that additional landscaping be added in front of the property to conjoin with the Broward County greenways project.

Councilmember Starkey was concerned that the uses on this site would not be controlled over time if this application was approved. She suggested that an annual review be put in place so that businesses did not go beyond the scope of the original intention. Mr. Laystrom indicated that the petitioner would be willing to indicate that the occupational license could be withheld until all requirements had been satisfied.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table until July 10, 2002. In a roll call vote, all voted in favor. (Motion carried 5-0)

8. PUBLIC HEARINGS (8:54 p.m. - 9:20 p.m.)

Ordinances - First Reading/Quasi Judicial Items (Second and Final Reading to be held August 7, 2002)

8.1. **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT (COUNTY), TO CC, COMMERCE CENTER DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** (reconsidered by Council and tabled from June 19, 2002) (ZB 1-1-02, Higgins-Deni, 2351 State Road 84) *Planning and Zoning Board recommended approval*

Mayor Venis advised that a public hearing would be held on August 7, 2002. Town Clerk Muniz read the ordinance by title.

Mickey Olrich, representing the petitioner, was present.

Mr. Kutney summarized the staff report.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Starkey made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

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- 8.2. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 4-2-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-2, LOW DENSITY DWELLING DISTRICT TO RO, RESIDENTIAL/OFFICE DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Pulice Land Surveyors Inc./Mauer, 5800 Davie Road) (from R-2 to RO) Planning and Zoning Board recommended approval

Town Clerk Muniz read the ordinance by title. Mayor Venis advised that a public hearing would be held on August 7, 2002.

Elizabeth Pulice, representing the petitioner, was present.

Mr. Kutney summarized the staff report.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

- 8.3. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 5-1-02, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2, COMMUNITY BUSINESS DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Seligman, 7730 and 7740 NW 30 Street) (from B-2 to RM-5) *Planning and Zoning Board recommended approval*

Town Clerk Muniz read the ordinance by title.

Jerry Seligman, the petitioner, had no comments.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex indicated that he had spoken with Mr. Kutney who indicated that Council could require that the petitioner stipulate that this project be single-family residences only. Councilmember Starkey stated that she had spoken with Mr. Seligman prior to him submitting this application. Mr. Seligman stated that he would be willing to make the stipulation Councilmember Truex requested.

Mr. Connick advised that the stipulation should be in writing for future reference.

Councilmember Truex made a motion, seconded by Councilmember Paul, to approve subject the Town Attorney's suggestion that a stipulation be written and subject to the confirmation that there was room for the appropriate setbacks for the two residences. In a roll call vote, the vote was as follows: Mayor Venis, yes; Vice-Mayor Clark, yes; Councilmember Paul, yes; Councilmember Starkey, yes; Councilmember Truex, yes. (Motion carried 5-0)

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Quasi Judicial Items

- 8.4. **VARIANCE** - V 4-2-02, Khavanin/Dhanani, 6190 SW 56 Street (R-2) (to reduce the minimum front yard from 30 feet to 24.51 feet and the minimum side yard from 15 feet to 14.89 feet to allow the recently constructed single family residence to remain as it was built) *Planning and Zoning Board recommended approval*

Mayor Venis swore in the witnesses. Mr. Kutney summarized the planning report.

Gus Khavanin, representing the petitioner, was present.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis, yes; Vice-Mayor Clark, yes; Councilmember Paul, yes; Councilmember Starkey, yes; Councilmember Truex, yes. (Motion carried 5-0)

- 8.5. **VARIANCE** - V 4-3-02, Khavanin/Hicks, 13301 SW 36 Court (A-1) (to reduce the minimum rear yard from 40 feet to 26 feet to allow a detached garage in a location that allows mature live oak trees to remain undisturbed) *Planning and Zoning Board recommended approval with the following stipulations: 1) that a "4-Hour" fire rating dry wall be used for walls and ceiling; and 2) for noise prevention, that there be an eight inch separation between the dry wall and the concrete block with insulation*

Mayor Venis swore in the witnesses. Mr. Leiva summarized the planning report. He advised that the Planning and Zoning Board had recommended approval subject to a "4-hour" fire rating dry wall being used for the walls and ceiling of the garage. Mr. Leiva indicated that there was no such thing as a 4-hour firewall according to the South Florida Building Code, but there was a 2-hour firewall available.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, public hearing was closed.

Mr. Khavanin, representing the petitioner, clarified that the 4-hour wall was only for the west side of the building, rather than for all sides as indicated in the staff report.

Mr. Willi explained that the South Florida Building Code was a minimum code and requirements for this type of building were specifically outlined in the Code. He felt that it was unwise for Council to include this in their approval as the Building Code specified the fire resistance criteria for this wall and any other number approved by the Planning and Zoning Board or Council was arbitrary if it did not meet the South Florida Building Code. He also indicated that the eight inch separation between the dry wall and the concrete block had not been proven to reduce noise. Mr. Willi advised Council to make the decision without the recommendations, as the recommendations did not follow the Code.

Councilmember Paul was concerned that there be protection for the ESL site and wondered what kind of work was going to be done in the garage if there was such strong requirements for firewalls and noise reduction. Mr. Khavanin advised that no maintenance would be done in the garage. Mr. Willi explained that the intent of the firewall was not to protect vegetation outside, but to protect spreading of fire to adjacent buildings.

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Councilmember Paul was concerned about the location of the building in relationship to the ESL site. Mr. Khavanin explained that he could build the building without the variance, but the Live Oak trees would have to be chopped down if the variance was not approved. He further explained that the concern of the Planning and Zoning Board was fire. Mr. Khavanin stated that the variance would not make the ESL site any more vulnerable with the 12-foot difference in space. He reiterated that the building was not going to be used for service, but as a storage facility for 10 antique cars. Mr. Willi clarified that the trees could not be removed without a permit, but the branches could be cut with assistance of a licensed arborist. Councilmember Paul felt that she wanted more information from the Broward County Parks and Recreation Department. She was concerned with disturbing the integrity of the ESL site.

Mr. Connick suggested that a specific restriction be added so that future property owners could not change the use of the building to something that would adversely affect the area.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table until July 10, 2002 so that she could get further information. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Items to be Tabled or Withdrawn

8.6. **WITHDRAWN BY PETITIONER**

SPECIAL PERMIT - SE 5-1-02, Kalis/Lemieux, 2650 SW 154

This item was withdrawn earlier in the meeting.

8.7. **STAFF REQUESTING A TABLING TO AUGUST 7, 2002**

Sale of Property - Southeast corner of State Road 84 and Scarborough Drive
(tabled from June 19, 2002)

This item was tabled earlier in the meeting.

9. **APPOINTMENTS** (*Pursuant to Ordinance 2002-9, all appointments are to be registered voters unless the person is a minor or a legal resident alien*) (9:20 p.m. - 9:21 p.m.)

9.1. Child Safety Board (one exclusive appointment - Councilmember Starkey; term expires April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Starkey deferred her appointment.

9.2. School Advisory Board (one exclusive appointment - Councilmember Truex; term expires April 2004) (insofar as possible, members are to have experience in educational matters)

Councilmember Truex deferred his appointment.

9.3. Open Space Advisory Committee Agency (one exclusive appointment - Councilmember Starkey; term expires April 2004)

Councilmember Starkey deferred her appointment.

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- 9.4. Parks and Recreation Advisory Board Agency (one exclusive appointment - Councilmember Truex; terms expire April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Truex deferred his appointment.

- 9.5. Fire Employees' Pension Board (one non-exclusive appointment of legal resident; appointing authority should select, from the best qualified persons, minority representation to accurately reflect that population of the area represented by the Board) (term expires December 2003)

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to appoint John Croes to this position. In a voice vote, all voted in favor. (Motion carried 5-0)

10. OLD BUSINESS (9:21 p.m. - 9:37 p.m.)

10.1. Wetlands Preservation

Mr. Kovanes gave a brief presentation on the wetlands grant proposal. Mayor Venis asked that a meeting be arranged with Mr. Laystrom's client regarding the SW 136th Avenue site. After some discussion, Council instructed Mr. Kovanes to pursue the SW 136th Avenue site with a 40% contribution.

11. NEW BUSINESS

There was no new business to be discussed.

MAYOR VENIS (9:37 p.m. - 9:43 p.m.)

THANK YOU. Mayor Venis thanked everyone for the birthday wishes.

INDEPENDENCE DAY CELEBRATION. Mayor Venis spoke of the Town festivities for July 4th at the Davie Pine Island Park.

DAVIE ELEMENTARY SCHOOL. Mayor Venis spoke of the Davie Elementary School shelter and stated that construction was due to begin in the near future.

MITIGATION SITE. Mayor Venis met with the residents of SW 58th Avenue regarding the mitigation site in that area, and he stated that the meeting was very positive.

NEW BUSINESS. Mayor Venis asked that the guard gate entrance issue be added under New Business for the July 10th Council agenda.

HEALTH INSURANCE. Mayor Venis advised that he had received a letter from the agent responsible for the new program, which indicated that many employees had migrated from the PPO plan to the HMO plan and additional savings would be incurred.

COUNCILMEMBER TRUEX (9:43 p.m. - 9:47 p.m.)

CITIZEN RESPONSE SYSTEM. Councilmember Truex spoke of the new Citizen Response System in place on the Town's website. He felt that this would be a tremendous help to both the community and staff.

ELECTRONIC AGENDA. Councilmember Truex commended the new system that allowed Councilmembers to access backup materials through laptop computers, rather than being given

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an excessive hard copy to review. He suggested that these materials be made accessible to the public through the website. Town Clerk Muniz clarified that residents could currently access this information through the website.

WATER. Councilmember Truex commended the quality of water in the Town and added that the quality was excellent.

CONGRATULATIONS. Councilmember Truex congratulated students, teachers, administrators, and parents for the excellent scores earned by all Town of Davie schools on the FCAT. No school scored lower than a B.

COUNCILMEMBER STARKEY (9:47 p.m. - 9:50 p.m.)

SOROPTIMIST GOLF TOURNAMENT. Councilmember Starkey reported that the tournament would be held on August 17th.

POLICE/FIREFIGHTER MEMORIAL. Councilmember Starkey presented a prototype of a statue that the steering committee was proposing for a memorial for the Town. She stated that the steering committee wanted to erect the statue at the Davie Police/Fire Complex Plaza or the Davie Pine Island Park.

COUNCILMEMBER PAUL (9:50 p.m. - 9:56 p.m.)

OLD PIONEER HOME DEDICATION. Councilmember Paul advised that she had attended the dedication ceremony where she received a key to the Pioneer House. She felt that the key should be presented to the Davie Historical Society with a plaque at the next Council meeting.

STONEBROOK. Councilmember Paul indicated that she had attended a gathering at Stonebrook and thanked the homeowners association for their hospitality.

PRESERVATION DOCUMENT. Councilmember Paul stated that she had read the draft of the document which she encouraged Council to read and give input to staff so that deadlines could be met.

CODE COMPLIANCE. Councilmember Paul thanked Code Compliance Supervisor Daniel Stallone and his staff and the Planning and Zoning Division for their help in resolving issues in her district and their overall efforts.

JUNIOR ACHIEVEMENT BREAKFAST. Councilmember Paul thanked those that attended the breakfast, which was for the Free Enterprise Institute that included the Enterprise Village.

TOWN ATTORNEY COMMENTS (9:56 p.m. - 10:03 p.m.)

UPDATES. Mr. Kiar gave an update on the Citrus Canker issue. He also spoke of a memo he created for Council regarding Math Iglar Groves. He said that he was pleased with the Special Master's decision which indicated that Math Iglar Groves was in violation of the Town's Code. Mr. Kiar spoke of AT&T Broadband's agreement and the memo he circulated to Council. He stated that there were a number of options set forth in the memorandum that should be considered at a future meeting.

Councilmember Truex referred to the Covenant House litigation and asked Mr. Kiar about the letter received from Covenant House's attorney. He felt it would be fruitful to meet with Lennar regarding the possibility of purchasing the property. Mr. Willi advised that this

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issue should not be discussed as it was in litigation. Councilmember Truex asked Mr. Kiar to discuss it with Lennar's attorney.

12. ADJOURNMENT

There being no further business to discuss and no objections, the meeting adjourned at 10:03 p.m.

Approved _____

Mayor/Councilmember

Town Clerk